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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/626,047	HODA ET AL.
Office Action Summary	Examiner	Art Unit
	JASMINE STOKELY-COLLINS	2623
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	correspondence address
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING D. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from a, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).
Status		
1) ☐ Responsive to communication(s) filed on 20 A 2a) ☐ This action is FINAL . 2b) ☐ This 3) ☐ Since this application is in condition for alloware closed in accordance with the practice under B	s action is non-final. nce except for formal matters, pro	
Disposition of Claims		
4) ☐ Claim(s) 1,4-24 and 27 is/are pending in the a 4a) Of the above claim(s) is/are withdra 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1,4-24 and 27 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or	wn from consideration.	
Application Papers		
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Example 11.	epted or b) objected to by the I drawing(s) be held in abeyance. See tion is required if the drawing(s) is obj	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Bureat* * See the attached detailed Office action for a list*	s have been received. s have been received in Applicati rity documents have been receive u (PCT Rule 17.2(a)).	ion No ed in this National Stage
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal F 6) Other:	ate

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DETAILED ACTION

Claim Objections

1. Claims 1 and 19 are objected to because of the following informalities:

Claim 1, limitation "a tuner unit configured to extract **of a** physical channel" should be changed to -- a tuner unit configured to extract **a** physical channel--.

Claim 19 limitation "second information which represents the channel number based on the physical channel **and the ability and an ability** to scan..." is unclear and/or redundant. The examiner will interpret the claim as "second information which represents the channel number based on the physical channel **and an ability** to scan..." for the purposes of examination. If applicant intends "the ability" and "an ability to scan" to refer to two separate abilities, applicant must specify what "the ability" refers to.

Appropriate correction is required.

Response to Arguments

- 2. Applicant's arguments filed on 8/20/2008 have been fully considered but they are not persuasive.
- 3. Applicant's added limitations to claims 1 and 22, requiring a memory unit which stores flags identifying whether a physical channel is judged to include digital

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broadcasting signal and whether VCT information in that signal can or cannot be extracted, are taught by Inui in view of Yoneda. Inui teaches a channel map which lists physical channels along with an indication as to whether each channel is digital, analog, or has no signal at all (fig. 4). Inui's channel map also has a column indicating any virtual channel associated with the physical channel. If the VCT information could not be extracted, there would be no virtual channel number to insert into that column. Therefore, the lack of a number in the virtual channel column is an indication that VCT information could not be extracted.

4. Comparably, Applicant's added limitation to claim 19, requiring storing channel number in tandem with scan-ability is taught by Inui. Inui's lack of a virtual channel number, indicating a failure or inability to read the VCT, would also indicate whether a channel was able to be successfully scanned or not; it logically follows that if complete information could not be extracted in a digital channel, that the channel scanning was not successful.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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6. Claims 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Inui et al (7,092,044 B2).

Regarding claim 19, Inui teaches a receiving apparatus for receiving digital broadcasting signal (figure 1) comprising:

a tuner unit (figure 1 element 2) configured to extract a physical channel from a broadcasting signal (column 3 line 64-column 4 line 2); a program information obtaining unit (figure 1 element 6: TS analysis circuit) configured to obtain program information of the physical channel included in the broadcasting. A transport stream, according to the ATSC standard (which Inui builds his invention upon, as evidenced in column 1 lines 16-19), includes packet identification numbers which are individual to and identify a program. Therefore it is inherent that Inui's TS analysis circuit "obtains program information which identifies the program included in the signal that is extracted in the tuner unit"; and

an output unit (figure 1 element 6) configured to output a signal representing physical channel information (column 6 lines 5-8),

wherein the channel information includes:

"first information which represents the channel number based on the physical channel and an inability to scan in the case that the physical channel in the digital broadcasting signal Can be extracted by the tuner unit and the program information of the physical channel cannot be obtained by the program information obtaining unit, and

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second information which represents the channel number based on the physical channel and the ability and an ability to scan in the case that the physical channel in the digital broadcasting signal can be extracted by the tuner unit and the program information of the physical channel can be obtained by the program information obtaining unit". Inui's lack of a virtual channel number in the channel map of figure 4, would indicate a failure or inability to read the VCT to extract a virtual channel number, and therefore would also indicate whether a channel was able to be successfully scanned or not; it logically follows that if complete information could not be extracted in a digital channel, that the channel scanning was not successful.

Regarding claim 20, when read in light of claim 19, Inui teaches the receiving apparatus as set forth in claim 19, wherein, the first information comprises information which represents that the physical channel is available, if the physical channel including a digital broadcasting signal can be extracted in the tuner unit and the program information of the physical channel cannot be obtained by the program information obtaining unit (column 6 lines 14-23, where the program information could not be obtained during the initial scanning when creating the channel map), and

the second information comprises information which represents that one or more programs included in the physical channel are available, if the physical channel including a digital broadcasting signal can be extracted in the tuner unit and the program information (virtual channel number) of the physical channel can be

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obtained by the program information obtaining unit (during the initial scan column 3 lines 60-63).

Regarding claim 21, when read in light of claim 19, Inui teaches the receiving apparatus as set forth in claim 19, further comprising a memory unit configured to store the channel information (figure 1 element 7, column 4 lines 54-56), wherein when a physical channel selected from the memory unit (channel map stored in memory 7) includes information representing that, without identifying the program included in the physical channel, the physical channel is available (figure 4), the program information obtaining unit newly obtains the program information included in the physical channel, and the output unit outputs images of one or more programs included in the physical channel based on the program information obtained (column 5 line 65-column 6 line 23).

Claim Rejections - 35 USC § 103

- 7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 8. Claims 1, 4-5, 8, 11-14, 18, 22, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inui et al (7,092,044 B2) in view of Yoneda (US 5,200,823).

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Regarding claim 1, Inui teaches a digital broadcasting receiving apparatus for receiving a digital broadcasting signal (abstract, figure 1), comprising: a tuner unit configured to extract of a physical channel from an input signal (figure 1 element 2: tuner),

a first judging unit configured to judge whether or not the physical channel includes a digital broadcasting signal is evidenced by the channel map shown in figure 4 (which indicates whether a channel is digital, analog, or other) and column 3 lines 60-63 state that the channel map is obtained by a signal scan and;

a program information obtaining unit configured to extract VCT information in the digital broadcasting signal (figure 1 element 6: TS analysis circuit, column 4 lines 60-67); and

a memory unit (figure 1 element 7) configured to store the following information (, column 4 lines 54-66, figure 4):

"the flag which indicates that the physical channel includes a digital broadcasting signal and the program information based on VCT information in the case that the physical channel is judged in the first judging unit to include a digital broadcasting signal and which is judged in the second judging unit that the VCT information in the digital broadcasting signal can be extracted; and the flag which indicates that the physical channel includes a digital broadcasting signal and that the VCT information in the digital broadcasting signal cannot be

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extracted in the case that the physical channel is ,judged in the first judging unit to include a digital broadcasting signal and which is ,judged in the second judging unit that the VCT information in the digital broadcasting signal cannot be extracted". Inui teaches a channel map which lists physical channels along with an indication as to whether each channel is digital, analog, or has no signal at all (fig. 4). Inui's channel map also has a column indicating any virtual channel associated with the physical channel. If the VCT information could not be extracted, there would be no virtual channel number to insert into that column. Therefore, the lack of a number in the virtual channel column is an indication that VCT information could not be extracted.

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Inui does not teach a second judging unit configured to judge whether or not Virtual Channel Table ("VCT") information included in the digital broadcasting signal can be extracted, when it is judged in the first judging unit that the physical channel includes the digital broadcasting signal.

Yoneda et al (US 5,200,823) teaches a second judging unit configured to judge whether or not Virtual Channel Table ("VCT") information included in the digital broadcasting signal can be extracted, when it is judged in the first judging unit that the physical channel includes the digital broadcasting signal (column 14 lines 60-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the receiving apparatus taught by Inui by incorporating the virtual channel map error detection taught by Yoneda for the

benefit of ensuring the validity of a and completeness of a channel map and allowing a user to tune to the maximum number of available channels.

The combination of Inui in view of Yoneda results in extracting VCT information when it is judged in "the second judging unit that the VCT information included in the digital broadcasting signal can be extracted."

Regarding claim 4, when read in light of claim 1, Inui in view of Yoneda teaches the apparatus of claim 4. Inui further teaches the tuner unit is configured to extract signals of a plurality of physical channels which are classified into a first classification:

a physical channel being in the first classification if the signal of the physical channel is judged in the first judging unit to include a digital broadcasting signal and which is judged in the second judging unit that the program information included in the digital broadcasting signal can be extracted therefrom (column lines 21-37); and

Limitation "the tuner unit is configured to extract signals of a plurality of physical channels which are classified into a second classification:

a physical channel being in the second classification if the signal of the physical channel is judged in the first judging unit to include a digital broadcasting signal and which is judged in the second judging unit that the program information included in the digital broadcasting signal cannot be extracted therefrom" is

further met by Yoneda (column 15 lines 14-17, where faulty units of a virtual channel map are detected).

Limitation wherein all physical channels are stored in the memory unit is further met by Inui (figure 4 shows a channel map for storing all channels, whether a virtual channel is available or not).

Regarding claim 5, when read in light of claim 4, Inui further teaches the tuner unit is configured to extract signals of a plurality of physical channels which are classified into a third classification,

wherein a physical channel is in the third classification if the signal of the physical channel is judged in the first judging unit not to include a digital broadcasting signal; and

wherein the third classification of physical channel is stored in the memory unit (figure 4, see analog channel 13).

Regarding claim 8, when read in light of claim 2, Yoneda further teaches "an error correction unit configured to carry out an error correction of the input signal, and wherein the second judging unit judges whether or not the program information included in the digital broadcasting signal can be extracted based on a bit error rate which is detected in the error correction unit" by checking for errors in a channel map by using an error detecting mechanism (checksum), and

replacing either the faulty entries or the entire channel map (column 14 lines 60-66, column 15 lines 14-21).

Regarding claim 11, when read in light of claim 1, Yoneda further teaches when a physical channel selected from the memory unit has a signal which was judged in the first judging unit to include the digital broadcasting signal and which was judged in the second judging unit to contain VCT information that could not be extracted, the program information obtaining unit is configured to newly obtain the VCT information which corresponds to the selected physical channel (column 14 line 60-column 15 line 13, where channels are repeatedly cycled through to obtain all valid channel maps).

Regarding claim 12, when read in light of claim 11, Inui further teaches when the program information which is included in the digital broadcasting signal is newly detected, the program information obtained is stored in the memory unit (column 4 lines 21-24).

Regarding claim 13, when read in light of claim 2, Inui further teaches a display device (figure 1 element 12) for displaying image information which is included in the signal of the physical channel that is extracted in the tuner unit, and information representing results judged in the first judging unit and the second judging unit.

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Regarding claim 14, when read in light of claim 1, Inui further discloses the program information obtaining unit is disposed downstream of the first judging in a signal processing path for the signal extracted by the tuner unit to extract the program information from the signal which has been processed by the first judging unit in the same signal processing path (figure 1). Inui's invention digital broadcast receiver stores its judgment in memory (element 7 of figure 1), which is upstream from the program information obtaining unit (figure 1 element 6: TS analysis circuit). Therefore, the judging unit responsible for making that judgment is upstream from the information obtaining unit.

Regarding claim 18, when read in light of claim 1, Inui further discloses the VCT information which is included in the digital broadcasting signal includes any information of virtual channel number (figure 4), modulation system, channel TS-ID, and program number.

Regarding claim 22, Inui teaches a digital broadcasting receiving method in which channel information of a digital broadcasting is scanned by channel scan and stored (column 1 lines 45-63), comprising: selecting a physical channel from a signal received (column 1 line 64-column 2 line 2);

first judging whether or not the selected physical channel includes a digital

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broadcasting signal (figure 4); and storing the following information:

"the flag which indicates that the selected physical channel includes a digital broadcasting signal and the program information based on VCT information in the case that the selected physical channel is judged in the first judging to include a digital broadcasting signal and which is judged in the second judging that the VCT information in the digital broadcasting signal can be extracted~ and the flag which indicates that the selected physical channel includes a digital broadcasting signal and that the VCT information in the digital broadcasting signal cannot be extracted in the case that the selected physical channel is judged in the first judging to include a digital broadcasting signal and which is judged in the second judging that the VCT information in the digital broadcasting signal cannot be extracted". Inui teaches a channel map which lists physical channels along with an indication as to whether each channel is digital, analog, or has no signal at all (fig. 4). Inui's channel map also has a column indicating any virtual channel associated with the physical channel. If the VCT information could not be extracted, there would be no virtual channel number to insert into that column. Therefore, the lack of a number in the virtual channel column is an indication that VCT information could not be extracted.

Inui does not teach deciphering whether the program information included in the digital broadcasting signal can be obtained

Yoneda teaches judging whether or not VCT information included in the digital broadcasting signal can be obtained (column 14 lines 60-64);

Inui in view of Yoneda results in the above limitation occurring "in case that it is judged that the digital broadcasting signal is included."

Regarding claim 27, when read in light of claim 1, Inui further teaches the memory unit stores the judgment result regardless of the result of the second judging unit (see figure 4, where all channels are stored).

1. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inui et al (7,092,044 B2) in view of Yoneda (US 5,200,823), and further in view of Kim (GB 2348330).

Regarding claim 6, when read in light of claim 4, Inui in view of Yoneda teaches the digital broadcasting receiving apparatus of claim 4.

Inui in view of Yoneda does not teach an output unit configured to output such a display signal that a channel which is stored in the memory unit and belongs to the first classification and a channel which is stored in the memory unit and belongs to the second classification are separately displayed on a display screen as channels which can be selected, respectively.

Kim teaches an output unit configured to output such a display signal that a channel which is stored in the memory unit and belongs to the first

classification and a channel which is stored in the memory unit and belongs to the second classification are separately displayed on a display screen as channels which can be selected, respectively (figure 5b, page 5 line 22- page 6 line1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to display the different categories of channels taught by Inui in view of Yoneda for the benefit of indicating to the user which channels will display program information clearly and which channels will not.

Regarding claim 7, when read in light of claim 6, Inui further discloses the output unit comprises a television (page 3 lines 4-10).

2. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inui et al (7,092,044 B2) in view of Yoneda (US 5,200,823), and further in view of Caporizzo (US 5,574,495).

Regarding claim 9, Inui in view of Yoneda teaches the digital broadcast receiving apparatus of claim 8 wherein the second judging unit judges whether or not the VCT information included in the digital broadcasting signal can be extracted based on a result of error detection in the error correction unit.

Inui in view of Yoneda does not disclose detecting the error rate a plurality of times.

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Caporizzo teaches detecting and calculating the bit error rate a plurality of times (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Caporizzo's method of detecting error a plurality of times with the error-detecting receiving apparatus taught by Inui in view of Yoneda for the benefit of obtaining a more accurate error rate.

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inui et al (7,092,044 B2) in view of Yoneda (US 5,200,823), and further in view of Taura et al (US 6,067,332).

Regarding claim 10, Inui in view of Yoneda teaches the digital broadcast receiving apparatus of claim 1, further comprising an error correction unit configured to carry out an error correction of the input signal, and wherein the second judging unit judges whether or not the VCT information included in the digital broadcasting signal can be extracted based on data outputted from the error correction unit (see analysis of claim 8).

Inui in view of Yoneda does not teach judging whether or not the VCT information included in the digital broadcasting signal can be extracted based on synchronization establishment of digital data.

Taura teaches judging whether or not a signal is receivable based on synchronization establishment of digital data (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to

combine the use of synchronization establishment to incorporate Taura's teaching of determining if a digital broadcasting signal is extractable in the digital broadcast receiving apparatus taught by Inui in view of Yoneda for the benefit of testing all the appropriate criteria needed to successfully reproduce digital broadcast data.

4. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inui et al (7,092,044 B2) in view of Yoneda (US 5,200,823), and further in view of Shintani et al (US 6,137,546).

Regarding claim 15, when read in light of claim1, Inui in view of Yoneda teaches the digital broadcast receiving apparatus of claim 1.

Inui does not teach a demodulating unit configured to demodulate the signal extracted by the tuner unit from the input signal, and wherein the first judging unit judges that the input signal includes the digital broadcasting signal when a predetermined synchronization signal is detected in the signal being demodulated in the demodulating unit

Shintani teaches a demodulating unit (figure 3 element 16) configured to demodulate the signal extracted by the tuner unit from the input signal, and wherein the first judging unit judges that the input signal includes the digital broadcasting signal when a predetermined synchronization signal is detected in the signal being demodulated in the demodulating unit (column 5 lines 7-16). It

would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the digital signal judgment of Shintani into the digital broadcast receiving apparatus of Inui for the benefit of establishing a valid NTSC signal, as taught by Shintani (column 5 lines 11-12).

Regarding claim 16, see analysis of claim 15.

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inui et al (7,092,044 B2) in view Yoneda (US 5,200,823), and further in view of Shigihara et al (US 5,966,186).

Regarding claim 17, when read in light of claim 1, Inui in view of Yoneda teaches the receiving apparatus of claim 1.

Inui in view of Yoneda does not teach an amplifying unit configured to amplify the signal which is inputted, and wherein the first judging unit judges whether or not the digital broadcasting signal is included based on an AGC voltage in the amplifying unit

Shigihara teaches an amplifying unit configured to amplify the signal which is inputted (figure 2 element 71), and wherein the first judging unit judges whether or not the digital broadcasting signal is included based on an AGC voltage in the amplifying unit (column 5 lines 8-12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to

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incorporate the teachings of Shigihara into the apparatus taught by Inui in view of Yoneda for the benefit of monitoring signal quality.

Regarding claim 24, when read in light of claim 22, Inui further teaches when a physical channel selected from the memory unit includes a signal which was judged to include the digital broadcasting signal but the digital broadcasting signal was judged to contain program information which could not be extracted: newly obtaining the program information of the physical channel, storing in the memory unit the newly obtained VCT information of the channel (column 5 lines 25-33); and outputting a program included in the physical channel, based on the newly obtained program information of the physical channel (figure 6).

6. Claims 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inui et al (7,092,044 B2) in view of Yoneda (US 5,200,823), and further in view of Piotrowski et al (US 2002/0140871 A1).

Regarding claim 23, Inui in view of Yoneda teaches the digital broadcasting receiving method of claim 22. Furthermore, Inui in view of Yoneda teaches storing that the physical channel includes the digital broadcasting signal, when it is judged that the selected physical channel includes the digital

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broadcasting signal but the program information included in the digital broadcasting signal cannot be obtained; and storing channel information of the physical channel, when it is judged that the selected physical channel includes the digital broadcasting signal and the VCT information included in the digital broadcasting signal can be obtained (see analysis of claim 4).

Inui in view of Yoneda does not teach displaying that the physical channel includes the digital broadcasting signal, when it is judged that the selected physical channel includes the digital broadcasting signal but the VCT information included in the digital broadcasting signal cannot be obtained; and displaying channel information of the physical channel, when it is judged that the selected physical channel includes the digital broadcasting signal and the program information included in the digital broadcasting signal can be obtained.

Piotrowski teaches displaying that the physical channel includes the digital broadcasting signal, when it is judged that the selected physical channel includes the digital broadcasting signal but the program information included in the digital broadcasting signal cannot be obtained; and displaying channel information of the physical channel, when it is judged that the selected physical channel includes the digital broadcasting signal and the program information included in the digital broadcasting signal can be obtained. Piotrowski discloses displaying the entire channel map in page 2, section 0020. It would have been obvious to combine the channel information display

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capabilities of Piotrowski with the channel map taught by the digital broadcast receiving method of Inui in view of Yoneda for the benefit of having an easy channel selection method.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASMINE STOKELY-COLLINS whose telephone number is (571) 270-3459. The examiner can normally be reached on M-Th 9:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Examiner, Art Unit 2623

/Andrew Y Koenig/ Supervisory Patent Examiner, Art Unit 2423